United Nations S/2004/472

Security Council

Distr.: General
11 June 2004

Original: English

Note by the President of the Security Council

Pursuant to paragraph 4 of Security Council resolution 1540 (2004), dated 28 April 2004, and following consultations among the members of the Council, the members of the Council agreed to elect the chairman and vice-chairman of the following committee:

Security Council Committee established pursuant to resolution 1540 (2004)

Chairman:
Mihnea Ioan Motoc (Romania)

Vice-Chairman:
Lauro L. Baja, Jr. (Philippines)

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United Nations S/2004/473

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United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Welcoming the signature of the Declaration on 5 June 2004 in Nairobi, Kenya, in which the parties confirmed their agreement to the six protocols signed between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), and reconfirmed their commitment to completing the remaining stages of negotiations,

Commending the work, and continued support of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya as Chair of the Subcommittee on Sudan, in facilitating the peace talks, and recognizing the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team supporting the peace process, and *expressing* its hope that IGAD will continue to play a vital role during the transitional period,

Reaffirming its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on this Protocol,

Reaffirming its commitment to the sovereignty, independence and unity of Sudan,

Recalling the statements by its President (S/PRST/2003/16) of 10 October 2003 and (S/PRST/2004/18) of 25 May 2004,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties and *expressing* its utmost concern at the consequences of the prolonged conflict for the civilian population of Sudan, including women, children, refugees and internally displaced persons,

Urging the two parties involved to conclude speedily a Comprehensive Peace Agreement and *believing* that the progress now being made in the Naivasha Process will contribute to improved stability and peace in Sudan,

Welcoming the Secretary-General's report (S/2004/453) of 7 June 2004,

1. *Welcomes* the Secretary-General's proposal to establish, for an initial period of three months and under the authority of an SRSG, a United Nations advance team in Sudan as a special political mission, dedicated to preparation of the international monitoring foreseen in the 25 September 2003 Naivasha Agreement on

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Security Arrangements, to facilitate contacts with the parties concerned and to prepare for the introduction of a peace support operation following the signing of a Comprehensive Peace Agreement;

2. *Endorses* the Secretary-General's proposals for the staffing of the advance team and *requests* in this regard the Secretary-General to conclude all necessary agreements with the Government of Sudan as expeditiously as possible;

3. *Declares* its readiness to consider establishing a United Nations peace support operation to support the implementation of a Comprehensive Peace Agreement, and *requests* the Secretary-General to submit to the Council recommendations for the size, structure, and mandate of this operation, as soon as possible after the signing of a Comprehensive Peace Agreement;

4. *Requests* the Secretary-General, pending signature of a Comprehensive Peace Agreement to take the necessary preparatory steps, including, in particular, pre-positioning the most critical logistical and personnel requirements to facilitate the rapid deployment of the above-mentioned possible operation principally to assist the parties in monitoring and verifying compliance with the terms of a Comprehensive Peace Agreement as well as to prepare for the Organization's role during the transitional period in Sudan;

5. *Underlines* the need for an effective public information capacity, including through local and national radio, television and newspaper channels, to promote understanding of the peace process and the role a United Nations peace support operation will play among local communities and the parties;

6. *Endorses* the conclusions of the Secretary-General with regard to the situation in Sudan, in particular Darfur and the Upper Nile set out in paragraph 22 of his report, *calls* upon the parties to use their influence to bring an immediate halt to the fighting in the Darfur region, in the Upper Nile and elsewhere, *urges* the parties to the Ndjamena Ceasefire Agreement of 8 April 2004 to conclude a political agreement without delay, *welcomes* African Union efforts to that end, and *calls* on the international community to be prepared for constant engagement including extensive funding in support of peace in Sudan;

7. *Requests* the Secretary-General to keep it informed of developments in Sudan, particularly on the Naivasha negotiation process, the implementation of the peace process and the execution by the advance team of its mandate, and to submit a report to the Council no later than three months after adoption of this resolution;

8. *Decides* to remain seized of the matter.

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Letter dated 10 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith a letter addressed to you by Charles Murigande, Minister for Foreign Affairs and Cooperation of the Republic of Rwanda, on the recent developments in the eastern Democratic Republic of the Congo (see annex).

I would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

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Annex to the letter dated 10 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I write in reaction to the Presidential Statement S/PRST/2004/19, issued after the 4985th meeting of the Security Council and addressing the 2 June 2004 fall of Bukavu to Congolese forces led by Major-General Laurent Nkunda.

While welcoming the timely response of the Security Council to the recent events in Bukavu, Rwanda is disturbed by credible reports that the Council reaction was based, in part, on orchestrated disinformation by some officials of the United Nations, the alleged airdrop of war materiel to Kavumu by planes ostensibly flying from Rwanda being a case in point.

The Government of the Republic of Rwanda wishes to share with the Security Council its concerns that the causes that underlay the events in Bukavu, unless addressed, seriously compromise the transitional arrangements that form the basis for the Government of National Unity and Transition. Rwanda believes that implementation of the provisions of the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), is a sine qua non for the return of lasting peace and stability in the Democratic Republic of the Congo, and would lead to a smooth conclusion to the transition and the holding of elections respecting the timetable already negotiated by the Congolese themselves.

Rwanda has reiterated her support for the transitional Government in a goodwill message from President Kagame to his counterpart in the Democratic Republic of the Congo, a message I delivered during my October 2003 visit to Kinshasa. It may be recalled that this Rwandan initiative was the first high-level visit by Rwandan officials since the outbreak of hostilities in 1998. I still await the reciprocal visit by my Congolese counterpart to discuss the issues raised then.

During the November 2003 Heads-of-State Summit held in Pretoria, South Africa, to discuss the final report of the Third Party Verification Mechanism established under the Pretoria Agreement between the Democratic Republic of the Congo and the Republic of Rwanda, it was agreed that a bilateral mechanism be set up, with the involvement of the African Union and the United Nations to deal with the outstanding issues under the Agreement, specifically, the question of the disarmament and the demobilization of the ex-FAR/Interahamwe forces which continue to operate on the territory of the Democratic Republic of the Congo. I immediately invited my counterpart to come to Kigali as agreed, to discuss the setting up of this mechanism. He has not yet found the time to do so. I have even offered to go again to Kinshasa to discuss this issue, which you may recall is the only reason relations between our two countries have been at an all-time low. Rwanda has not received a response from the Democratic Republic of the Congo.

I have been impressing on my Democratic Republic of the Congo counterpart and his colleague, the Minister for Regional Cooperation, the need for a revival of the Economic Community of the Great Lakes States (CEPGL), a Community which brings together the Democratic Republic of the Congo, Burundi and Rwanda, as a possible avenue for normalization of the relations between our countries. The Democratic Republic of the Congo currently holds the body's Presidency. Up to now, nothing has been done.

Desirous of normalizing relations between our two countries, the Republic of Rwanda nominated an ambassador to the Democratic Republic of the Congo, despite the fact that its chancery was occupied, vandalized and severely damaged by the armed forces of the Democratic Republic of the Congo, which have been squatting in it for the last six years. While awaiting agreement for the nominated ambassador, I have to state my regret that Rwanda's act was met with unexplained and unexplainable hostility from the Government of the Democratic Republic of the Congo, with hostile public statements made by officials close to President Kabila, among others.

Rwanda intends to continue playing a positive role in the search for regional peace and stability. We have, however, noted President Kabila's bellicose statements against Rwanda, and his Government's public incitement to hatred towards Rwanda. We urge the Security Council to demand that the Government of the Democratic Republic of the Congo desist from this course of action, which does not augur well for regional peace and stability and does little to contribute to the success of the Democratic Republic of the Congo transition.

The Government of the Republic of Rwanda welcomes Security Council condemnation of support for armed rebel groups. In this respect, we wish to state that the single, most dangerous group currently operating on the territory of the Democratic Republic of the Congo is the ex-FAR/Interahamwe genocidal forces, currently known as FDLR/FOCA. I wish to remind the Council that paragraph 18 of resolution 1493 (2003) demands that "all States, and in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, is given to the movements and armed groups present in the Democratic Republic of the Congo". I also wish to remind the Council that the genocidal forces have been the subject of numerous Security Council resolutions. Rwanda is concerned that despite her attempts to normalize relations with the Democratic Republic of the Congo, that Government's plans to wage war against Rwanda include use of, and close coordination with, the ex-FAR/Interahamwe. Such a course of action would be fatal to regional peace and stability. We urge the Council to demand that its resolutions concerning these genocidal forces be respected.

Finally, I wish to bring to your attention that the Government of the Democratic Republic of the Congo remains opposed to the verification mechanisms provided for under the Lusaka Ceasefire Agreement. That Government also insisted on the dissolution of the Third Party Verification Mechanism. As I have already pointed out above, the Democratic Republic of the Congo has been hesitant to set up any bilateral or multilateral verification mechanism. Given the continued presence of ex-Far/Interahamwe in the Democratic Republic of the Congo, and given the penchant of the Government of the Democratic Republic of the Congo for making baseless and gratuitous allegations against Rwanda and the potential for these allegations to serve as a basis for war between the two countries, it should be evident to all that the presence of independent and credible verification is a sine qua non for the building of an atmosphere of trust in our region. I therefore request that the Security Council urge the Government of the Democratic Republic of the Congo to allow the verification mechanisms already contained in various agreements to function and that those already agreed on be set up as a matter of urgency.

I request that your Excellency share this letter with other members of the Security Council.

(*Signed*) Charles **Murigande**
Minister for Foreign Affairs and Cooperation